

**Informal Meeting Minutes  
Monday, December 15, 2008  
Meeting Scheduled Start Time: 10:00 AM**

**BOARD OF SUPERVISORS  
Maricopa County, Arizona  
(and the Boards of Directors of the Flood Control District,  
Library District, Stadium District, Improvement Districts,  
and/or Board of Deposit)**



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

**Board Members**

Andrew Kunasek, District 3, Chairman  
Max Wilson, District 4, Vice Chairman  
Fulton Brock, District 1  
Don Stapley, District 2  
Mary Rose Wilcox, District 5

**County Manager**

David Smith

**Clerk of the Board**

Fran McCarroll

**Meeting Location**

Tom Sullivan Conference Room  
301 W Jefferson, 10th Fl  
Phoenix, AZ 85003

The Board of Supervisors of Maricopa County Arizona convened in Informal Session at 10:00 AM on Monday, December 15, 2008, in the Sullivan Conference Room with the following members present: Andrew Kunasek, Chairman, District 3; Fulton Brock, District 1 (entered late); Don Stapley, District 2; Mary Rose Wilcox, District 5. Absent: Max Wilson, District 4. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; Sandi Wilson, Deputy County Manager; Bruce White, Deputy County Attorney.

**1. EXECUTIVE SESSION**

Vote to convene in Executive Session to consider items on the Executive Agenda dated Monday, December 15, 2008, pursuant to statutory authority listed for each item.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Kunasek, Stapley, Wilcox  
Absent: Brock, Wilson

**1. LEGAL ADVICE - §ARS 38-431.03(A)(3) PENDING OR CONTEMPLATED LITIGATION - §ARS 38-431.03(A)(4)**

**Maricopa County v. DTD-DEVCO 2, L.L.C.** (E-19-09-078-3-00)

*Keith Russell, County Assessor, **did not attend***

*Steve Palmer, Deputy County Attorney*

*Jean Rice, Deputy County Attorney*

**~ Supervisor Brock entered the meeting ~**

**2. LEGAL ADVICE - §ARS 38-431.03(A)(3) PENDING OR CONTEMPLATED LITIGATION - §ARS 38-431.03(A)(4) SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION - §ARS 38-431.03(A)(4)**

**Arizona Plumbing Services, Inc. v. Maricopa County** (E-19-09-076-3-00)

*Wes Baysinger, Director, Materials Management Department*

*Jean Rice, Deputy County Attorney*

3. **PENDING OR CONTEMPLATED LITIGATION - §ARS 38-431.03(A)(4) LEGAL ADVICE - §ARS 38-431.03(A)(3) SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION - §ARS 38-431.03(A)(4)**

**Automatic Art v. Maricopa County; Superior Court No. CV2008-015309; District Court No. CIV 08-1484 (E-19-09-075-6-00)**

*Richard Garnett, Deputy County Attorney*  
*David Browning, Treasurer's Office, did not attend*

4. **LEGAL ADVICE - §ARS 38-431.03(A)(3) PENDING OR CONTEMPLATED LITIGATION - §ARS 38-431.03(A)(4)**

**State of Arizona v. Maricopa County (consolidated) (E-19-09-073-3-00)**

*Joy Rich, Assistant County Manager, Regional Development Services*  
*Charles Kelhoffer, Outside Counsel*  
*Wayne Peck, Deputy County Attorney*  
*Jean Rice, Deputy County Attorney*

5. **LEGAL ADVICE - §ARS 38-431.03(A)(3) PENDING OR CONTEMPLATED LITIGATION - §ARS 38-431.03(A)(4) SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION - §ARS 38-431.03(A)(4)**

**Platte River Insurance Company (E-19-09-074-3-00)**

*Joy Rich, Assistant County Manager, Regional Development Services*  
*Kenny Harris, Assistant County Manager, Public Works*  
*John Hauskins, Director, Transportation Department, did not attend*  
*William Haas, Drainage Engineering Supervisor, Planning and Development*  
*Stephen Wolf, Deputy County Attorney*  
*Wayne Peck, Deputy County Attorney*  
*Jean Rice, Deputy County Attorney*

**The Board of Supervisors convened in dual session with the Board of Directors of the Flood Control District for the following item, which was on both meeting agendas for December 15, 2008.**

~ **Chairman Kunasek declared a conflict of interest on item 6. He handed the gavel to Supervisor Brock and left the meeting room at 11:05 a.m. ~**

6. **LEGAL ADVICE - §ARS 38-431.03(A)(3) SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION - §ARS 38-431.03(A)(4) PENDING OR CONTEMPLATED LITIGATION - §ARS 38-431.03(A)(4)**

**Transwestern Pipeline Company v. Maricopa County (E-19-09-070-3-00)**

*Kenny Harris, Assistant County Manager, Public Works*  
*John Hauskins, Director, Transportation Department*  
*Mike Wilson, Real Property Manager, Public Works*  
*Adrian Gough, Deputy County Attorney*  
*Jean Rice, Deputy County Attorney*

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

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Andrew Kunasek, Chairman of the Board

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Fran McCarroll, Clerk of the Board